

PATENT

ATTORNEY DOCKET NO. CGNE.099.00USRe

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Reissue Application of: Shewmaker, *et al.*) Examiner: Not Yet Assigned
) (Examiner David Fox in parent case)
Patent No.: 5,753,475)
)
Issued: May 19, 1998) Art Unit: 1649
)
Reissue Serial No.: 09/574,946)
) **INVENTOR DECLARATION IN**
) **REISSUE APPLICATION**
)
For: **METHODS AND COMPOSITIONS FOR**)
REGULATED TRANSCRIPTION AND)
EXPRESSION OF HETEROLOGOUS)
GENES)

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHODS AND COMPOSITIONS FOR REGULATED TRANSCRIPTION AND
EXPRESSION OF HETEROLOGOUS GENES**

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL745846165
Date of Deposit: December 21, 2000

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231.

(Signature)

(Printed Name)

Francis Guerra
Francis Guerra

the specification of which

☐ Is attached hereto.

(check one) ☒ Was filed on May 19, 2000 and as Attorney Docket No.
CGNE.099.00USRe and assigned Serial No. 09/574,946.

☐ Was filed on _____ as Application Serial No. _____ and was amended on
_____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 and, if applicable, all such information under 37 CFR § 1.56 which became available between the national or PCT International filing date of the prior application and the filing date of this application.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

			<input type="checkbox"/>	<input type="checkbox"/>
(number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)
08/105,852	08/10/93	PAT 5,753,475
07/526,123	05/21/90	pending
07/267,685	11/02/88	ABN
06/692,605	01/17/85	ABN
07/582,241	09/14/90	ABN
07/188,361	04/29/88	ABN
07/168,190	03/15/88	ABN
07/054,369	05/26/87	PAT 4,943,674
07/742,834	08/08/91	PAT 5,420,034
07/550,804	07/09/90	ABN
07/147,781	01/25/88	ABN
07/078,538	07/28/87	ABN
06/891,529	07/31/86	ABN
07/078,924	07/28/87	ABN
07/437,764	11/15/89	PAT 5,110,728
06/826,696	01/28/92	PAT 5,315,001
07/998,158	12/29/92	PAT 5,530,185

U.S. Patent No. 5,753,475, matured from application Serial No. 08/105,852, filed August 10, 1993, and is believed to be wholly or partly inoperative or invalid by reason of the patentees claiming more or less than the patentees had the right to claim in the patent.

1. Applicant believes their original patent to be partly inoperative or invalid by reason of the patentee claiming less than patentee had the right to claim in the patent.
2. The errors include omission of appropriate method and composition claims supported by the specification for the original US patent, failure to claim priority to co-pending application serial no. 07/988,158, and failure of the USPTO to properly acknowledge the priority claimed to co-pending application serial nos. 07/078,924, 07/437,764 and 07/826,696 as designated in the executed inventor declaration submitted on October 18, 1993.

3. All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the Applicant.

4. Applicants:

- (A) have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath/declaration;
- (B) believe the named inventors to be the original and first inventors of the subject matter which is claimed and for which a patent is sought; and
- (C) acknowledge the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR § 1.56.

DECLARATION

Applicants further declare that all statements made herein of Applicants' own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Applicant, Patentee and Assignor: Christine K. Shewmaker

Signature:



Date:

12/13/00

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Applicant, Patentee and Assignor: Catherine M. Houck

Signature: _____ Date: _____

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Applicant, Patentee and Assignor: Daniel Facciotti

Signature: _____ Date: _____

Citizenship: Switzerland

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PATIENT

ATTORNEY DOCKET NO. CONZ.099.001578

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Signature: Curtis P. Smith Date: 12-20-00

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Signature: Jean C. Hall Date: 11/21/00

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PATENT

ATTORNEY DOCKET NO. CGNE.099.00USRe

Applicant, Patentee and Assignor: Catherine M. Houck

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